

IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

**MARK MCDOUGAL**

Plaintiff

vs

**OREGON STATE POLICE and  
PATRICK TRIPPETT**

Defendants

Case No.

**COMPLAINT**

Unlawful Employment Practices

Amount in Controversy: \$2.5 million  
Fee Authority: ORS 21.160(1)(e)

Jury Trial Requested  
Not Subject to Mandatory Arbitration

**FACTUAL ALLEGATIONS**

**1.**

The Oregon State Police systematically fails to protect troopers who are injured in the line of duty.

2.

Senior Trooper McDougal is a 20-year veteran of the Oregon State Police. Throughout his career with the Oregon State Police Mr. McDougal has experienced various injuries while protecting his community in the line of duty.

3.

On one occasion Mr. McDougal experienced a severe spine injury after he was intentionally run over by a suspect's car while in the line of duty. Mr. McDougal later aggravated the injury while giving CPR to a suspect who had been shot and killed by a narcotics enforcement team. On another occasion Mr. McDougal injured his shoulder during defensive tactics training, requiring surgery. Earlier this month Mr. McDougal sustained an on-the-job concussion.

4.

Mr. McDougal's injuries in the line of duty have required him to take protected medical leave and file workers' compensation claims. As a result of filing workers' compensation claims, Mr. McDougal has been harassed and discriminated against by his superior at the Oregon State Police. Mr. McDougal's superior, Mr. Trippett, has mocked Mr. McDougal for his injuries, criticized Mr. McDougal for filing workers' compensation claims, openly called Mr. McDougal a "faggot" around other troopers, and most recently, discriminated against Mr. McDougal with respect to the terms and conditions of his employment.

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**5.**

Mr. Trippett has a history of harassing and discriminating against troopers who become injured in the line of duty. Mr. McDougal has repeatedly complained about Mr. Trippett but the Oregon State Police refuses to do anything about it.

**6.**

Plaintiff Mr. Mark McDougal is an Oregon citizen. This complaint's allegations are based on personal knowledge as to Mr. McDougal's own behavior and made on information and belief as to the actions of others.

**7.**

Defendant Oregon State Police is an agency of the State of Oregon. The Oregon State Police was Mr. McDougal's employer and conducted regular and sustained business in Multnomah County, Oregon.

**8.**

Mr. McDougal was supervised by Oregon State Police employee agents and Mr. McDougal relied on the actual or apparent authority of Oregon State Police's employee agents, supervisors, and management.

**9.**

Defendant Mr. Patrick Trippett is an Oregon citizen and a sergeant for the Oregon State Police. Mr. Trippett served as Mr. McDougal's supervisor during the most recent years of Mr. McDougal's employment.

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**10.**

In or around August 1999, Mr. McDougal was hired by Oregon State Police as a trooper in Portland, Oregon. Mr. McDougal was later promoted to senior trooper. Mr. McDougal was a successful, high performing employee and held a variety of prestigious posts during his employment.

**11.**

In or around March 2015, Mr. McDougal requested and received a transfer to the Klamath Department of the Oregon State Police.

**12.**

In or around 2014, Mr. McDougal severely injured his spine at work when he was run over by a suspect's car. Mr. McDougal has been required to take a number of workers' compensation leaves to heal from the initial injury and several re-injuries of his back. He has at various points been placed on intermittent FMLA/OFLA leave related to re-injuries of his back.

**13.**

From the point of his initial injury forward, Mr. McDougal has regularly been subjected to demeaning and disparaging comments by Mr. Trippett, including comments referring to his genitals. The comments escalate whenever Mr. McDougal requires additional leave or medical care for his injuries.

**14.**

In or around 2017, Mr. McDougal reported to his department that he felt he was being subjected to a hostile work environment by Mr. Trippett.

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**15.**

Throughout 2017, Mr. Trippett publicly referred to Mr. McDougal as a faggot on multiple occasions in connection with his injuries and related medical leaves and his complaint about his mistreatment. These statements were made in front of colleagues of Mr. McDougal's as well as the general public.

**16.**

In or around October 2018, Mr. McDougal again re-injured his back while giving CPR to an individual who had been shot and killed by a narcotics enforcement team. In or around October 2018, Mr. McDougal applied for and interviewed for a sergeant position with the Klamath Department of the Oregon State Police.

**17.**

As a senior trooper with almost 20 years of experience and a strong performance record, Mr. McDougal was highly qualified for the sergeant position. Mr. Trippett was involved in the hiring process and decision-making related to this position. In or around November 2018, a trooper with approximately three years of experience was promoted into the sergeant position, despite the fact that sergeants are required to have a minimum of five years of experience as a trooper.

**18.**

Throughout 2018, Mr. Trippett continued to subject Mr. McDougal to severe and pervasive demeaning and disparaging comments as well as increased scrutiny of Mr. McDougal's activities.

19.

CAUSES OF ACTION

– Claim One –

**Workers’ Compensation Discrimination/Retaliation – ORS 659A.040  
(against Oregon State Police)**

Mr. McDougal invoked the protections of ORS 659A.040 when he notified his employer of his workplace injuries, filed a workers’ compensation claim, and periodically took workers’ compensation leave to recuperate from his injuries. The Oregon State Police’s behavior as alleged in this complaint violated ORS 659A.040 because it discriminated against Mr. McDougal because he invoked the protections of that statute by denying him a promotion he was highly qualified for, subjecting him to a hostile work environment, treating him less favorably than other employees, and subjecting him to increased scrutiny and monitoring. As a direct result of Oregon State Police’s discrimination and retaliation, Mr. McDougal experienced economic damages including but not limited to lost wages and benefits, and noneconomic damages including but not limited to stress, humiliation, inconvenience, damage to his professional reputation, and loss of enjoyment of life. Under ORS 659A.885(1)-(3), Mr. McDougal requests fair compensation in an amount to be determined by the jury to be reasonable, not to exceed \$2.5 million, fees and costs under ORS 659A.885, and an injunction stopping the Oregon State Police from engaging in any employment practice which discriminates on the bases as alleged in this complaint. The Oregon State Police’s behavior was wanton and willful and Mr. McDougal reserves the right to allege punitive damages.

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– Claim Two –  
**Disability Discrimination – ORS 659A. 112**  
**(against Oregon State Police)**

Mr. McDougal's back injury substantially limited one or more major life activities, including but not limited to working, sleeping, running, and leisure activities. The Oregon State Police's behavior as alleged in this complaint violated ORS 659A.112 because it discriminated against Mr. McDougal because of his disability by denying him a promotion he was highly qualified for, subjecting him to a hostile work environment, treating him less favorably than other employees, and subjecting him to increased scrutiny and monitoring. As a direct result of Oregon State Police's discrimination, Mr. McDougal experienced economic damages including but not limited to lost wages and benefits, and noneconomic damages including but not limited to stress, humiliation, inconvenience, damage to his professional reputation, and loss of enjoyment of life. Under ORS 659A.885(1)-(3), Mr. McDougal requests fair compensation in an amount to be determined by the jury to be reasonable, not to exceed \$2.5 million, fees and costs under ORS 659A.885, and an injunction stopping the Oregon State Police from engaging in any employment practice which discriminates on the bases as alleged in this complaint. The Oregon State Police's behavior was wanton and willful and Mr. McDougal reserves the right to allege punitive damages.

**21.**

**- Claim Three -**  
**OFLA Discrimination/Retaliation – ORS 659A.183**  
**(against Oregon State Police)**

Mr. McDougal invoked the protections of ORS 659A.183 when he periodically took medical leave to recuperate from his injuries. The Oregon State Police's behavior as alleged in this complaint violated ORS 659A.183 because it discriminated against Mr. McDougal because of he took protected medical leave by denying him a promotion he was highly qualified for, subjecting him to a hostile work environment, treating him less favorably than other employees, and subjecting him to increased scrutiny and monitoring. As a direct result of Oregon State Police's discrimination and retaliation, Mr. McDougal experienced economic damages including but not limited to lost wages and benefits, and noneconomic damages including but not limited to stress, humiliation, inconvenience, damage to his professional reputation, and loss of enjoyment of life. Under ORS 659A.885(1)-(3), Mr. McDougal requests fair compensation in an amount to be determined by the jury to be reasonable, not to exceed \$2.5 million, fees and costs under ORS 659A.885, and an injunction stopping the Oregon State Police from engaging in any employment practice which discriminates on the bases as alleged in this complaint. The Oregon State Police's behavior was wanton and willful and Mr. McDougal reserves the right to allege punitive damages.



**22.**

**– Claim Four –**  
**Discrimination/Retaliation for Opposing Unlawful Practice**  
**ORS 659A.030(1)(f)**  
**(against Oregon State Police)**

Mr. McDougal opposed an unlawful practice when he reported to his department that Mr. Trippett was subjecting him to a hostile work environment because of his use of workers' compensation benefits, his use of protected medical leave, and his disability. Oregon State Police's behavior as alleged in this complaint violated ORS 659A.030(1)(f) because it discriminated against Mr. McDougal because he opposed an unlawful practice by denying him a promotion he was highly qualified for, subjecting him to a hostile work environment, treating him less favorably than other employees, and subjecting him to increased scrutiny and monitoring. As a direct result of Oregon State Police's discrimination and retaliation, Mr. McDougal experienced economic damages including but not limited to lost wages and benefits, and noneconomic damages including but not limited to stress, humiliation, inconvenience, damage to his professional reputation, and loss of enjoyment of life. Under ORS 659A.885(1)-(3), Mr. McDougal requests fair compensation in an amount to be determined by the jury to be reasonable, not to exceed \$2.5 million, fees and costs under ORS 659A.885, and an injunction stopping the Oregon State Police from engaging in any employment practice which discriminates on the bases as alleged in this complaint. The Oregon State Police's behavior was wanton and willful and Mr. McDougal reserves the right to allege punitive damages.

**23.**

**– Claim Five –**  
**Aiding and Abetting – ORS 659A.030(1)(g)**  
**(against Mr. Trippett)**

Mr. McDougal engaged in protected activity when he invoked the benefits of the workers' compensation laws and protected medical leave laws, notified his employer of his disability, and opposed his unlawful treatment. Mr. Trippett knew about the protected activity that Mr. McDougal engaged in and intended to discriminate and retaliate against Mr. McDougal because of that protected activity. Mr. Trippett's behavior as alleged in this complaint violated ORS 659A.030(1)(g) because he aided, abetted, incited, compelled, and coerced the discrimination and retaliation of Mr. McDougal. As a direct result of Mr. Trippett's retaliation, Mr. McDougal experienced economic damages including but not limited to lost wages and benefits, and noneconomic damages including but not limited to stress, humiliation, inconvenience, damage to his professional reputation, and loss of enjoyment of life. Under ORS 659A.885(1)-(3), Mr. McDougal requests fair compensation in an amount to be determined by the jury to be reasonable, not to exceed \$2.5 million, fees and costs under ORS 659A.885, and an injunction stopping the Mr. Trippett from engaging in any employment practice which discriminates on the bases as alleged in this complaint. Mr. Trippett's behavior was wanton and willful and Mr. McDougal reserves the right to allege punitive damages.

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**REQUEST FOR JURY TRIAL**

Mr. McDougal requests a trial by a jury of his peers.

25.

**PRAYER FOR RELIEF**

Mr. McDougal respectfully requests relief sought in paragraphs 19 through 23, pre and post judgment interest, and all other such relief as this Court may deem proper, including any additional compensation necessary to offset any income tax consequences associated with Mr. McDougal's need to now file this lawsuit.

February 24, 2019

**RESPECTFULLY FILED,**

/s/ Michael Fuller

**Michael Fuller, OSB No. 09357**

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